The Livrald and Men's concerning any of the following pur-

JURY LAWS NULL AND VOID lay out, open, after at work roads or

THE SUPREME CAURT RENDERS A towns or villages, or change, amend UNANIMOUS OPINION ON THE SUIC

Legislature Given an Object Lesson-The charitable, social, manufacturing or Constitution Must be Given Due Re-

[The State, 14th.]

The State supreme court has sus tained Circuit Judge Gary's opinion therize the adoption or legitimation that the jury laws of the State are of children. 7. To provide for the unconstitutional, null and void in protection of game. S To sumthat they are special and not general laws as required by the constitution, and the legislature is thus given an object lesson which should prevent the introduction of the usual round of bills that are clearly in violation of the constitutional provision.

The court renders a unanimous opinion, the paper being written by Justice Eugene B. Gary. The case is that of the State vs. A. J. Queen, et al., from Cherokee county.

The opinion in the other case on the same subject, that of the State vs. Franklin, affirms the judgement of eral laws concerning said subjects for the court below Judge Ernest Ga said purposes, which shall be uni ry's decision-and merely states that form in their operations: Provided, in the McQueen case.

The full text of the opinion is as

The appellants were tried and con victed of riot and assault and battery with intent to kill at the June (1904) term of court for Cherokee county

"Refore the jury was selected, the attorney for the appellants, made a motion to quash the array of on two grounds, (1) because there was no jury law warranting the drawing of a jury for Cherokee county, and (2) because the jury law, if any, was to puguant to that provision of the constitution which prohibits special log islation."

His honor, the circuit judge, overruled the motion whereupon the defendants appealed upon the following exception:

"Because his honor erred in hold ing that the jury law of 1900, 13 clude listing and drawing of jurors. Statutes 315 entitled: 'An act to amend sections 2336 and 2337 of the general statutes relating to the drawing and term of service of jurors, in the circuit courts of this State and to validate the jury lists already prepared,' is not repugnant to, or in Abbeville, Edgefield, Orangeburg and Lexington and Aiken to summon and empanel jurors in those counties, and the county of Charleston has a separate and distinct act at page 320, 1900. All of which violates the afore said constitutional provision."

Section 1 of the act first mentioned in the exception contains the follow ing provisions:

That section 2336 of the general statutes of 1882 now known as sec tion 2375 of the revised statutes, be amended so as to read as follows: Section 2375. The clerks of the court in each county in this State shall, on or before the 5th day of January of each year, prepare a state ment and deliver the same to the county board of commissioners of the number of jurors that will be re quired to be in attendance for each term of the court, to be held in the county during the ensuing year, and the county board of commissioners shall in each year during the month of January prepare a list of such le gally qualified voters of their respec tive counties, not absolutely exempt, as they may think well qualified to serve as jarors, being persons of good moral character, of sound judgment, and free from all legal exceptions, to be selected from the county at large, without regard to whether such percounties of Spartanburg and Orange burg, the list shall be prepared in the month of December, and the list determining whether the first act so prepared by each county board of hereinbefore mentioned was consticommissioners shall contain twice tutional, and its consideration is im the number as reported by the clerk material. These views are no: inof the court: Provided, that in line Grocery Co. vs. Burnett, 61 S Aiken county the jury shall be listed C. 205, as that case did not arise unand drawn as provided by the county der either of the first ten subdivisions government law Provided, that in of article III, section 34; by referthe counties of Abbeville, Ed stield, Lexington and Greenwood the sair jury list shall be prepared in the following manner, the list in Ableville to be one thousand names, to

wit:" * * * Art. III, section 34 of the consti-

tution provides: "The general assembly of this State

poses, to wit: 1. To change the name of persons or places 2. To highways 3 To incorporate cities, Governor vetoes the Act and incorporate educational, religious,

or extend the charter thereof. 4 To banking institutions not under con trol of the State, or amend or extend the charters thereof. 5. To incorporate school districts. 6 To an mon and empanel grand or petit jurors. 9. To provide for the age at which citizens shall be subject to road or other public duty. 10 To fix the amount or manner of compensation to be paid to any county officer, except that the laws may be so made as to grade the compensation in proportion to the population and neces sary service required. 11. In all other cases, where a general law can be made applicable, no special law shall be enacted. 12. The general assembly shall forthwith enact gen

all points are c vered in the opinion | that nothing contained in this section shall prehibit the general assembly from enseting special provisions in general laws. In determining the constitutional

ty of the foregoing Act it will be necessary to construe the words "to ammon and empanel jurous."

It is contended by the respondent that they do not include the listing an I drawing of jurors.

In reaching a conclusion upon this question, we must look to the evil which the constitution wished to up

The jury laws throughout the State were various and were productive of great confusion and uncertainty.

The object of the constitution was to make the jury law uniform throughout the entire State, and this can only be accomplished by interpreting the words "summon and emprael" to in Having reached this c clusion we will next consider whether the act can be considered as a special provision in a general law.

While the act purports to be only an amendment it is, in effect, a substitute for the law then by force on violation of subdivisions 8, 11 and 12 this subject, and deals with the enof section 34, article 3, constitution tire question of listing and drawing pass be given to a man as State 1895, in as much as said jury law jurors. It must therefore be concontains special and local provisions strued as an independent act, and can be thought of so long as he remained allowing the counties of Greenwood, not be regarded as a special provision in a general law.

The next question that will be con sidered is whether it can be construed to be a valid general law.

In Dean vs Spartanburg, 59 S. C 110, the court says: "In order that a law may be general it must be of force in every county in the State. and while it may contain special pro visions making its effect different in certain counties those counties can not be exempt from its entire opera-

The provision of the act that "in Aiken county the jury shall be listed and drawn as provided by the county government law" shows that it was not intended to be of force in that tion, I beg to return to you the re-

The provision that in the counties of Aubeville, Edgefield, Lexington and Greenwood the jury list should be prepared in the manner therein set forth shows that the operation of the act was not unif rm throughout the State. But constraing the act as an amendment it cannot be de clared to be constitutional, for the reason that it substantially changes the general law as to juries, and prevents uniformity in all the counties of the State upon that subject. Even if it should be contended that this is a special provision in a general law, it could not be construed to be con stitutional, as it prevents in a substantial manner uniformity in the jury law throughout the State.

he appellants also contend that h county of Charleston has a sepasons reside in seven miles of the rate and distinct act at page 320, court house or not; except in the 1900, which violates the aforesaid constitutional provision.'

Even contending this to be the fact, it could not have any effect in consistent with the ruling in Caroence to which it will be seen that the main object was to secure uniformity as to the subjects therein mentioned, and any legislation relating to those subjects which substantially

It is the judgment of this court that the judgment of the circuit court be reversed, and the case remanded should not receive the approval of shall not enact local or special laws for a new trial.

USE OF PASSES IS

STILL PROHIBITED.

HOUSE SUSPAINS HIM.

O vernor Fully Sets Forth His Reasons for

(The State, 15th.)

The governor's message vetoing the act repealing the anti free pass act escuted yesterday reads as follows: To the Speaker and Members of the House of Representatives:

I beg to return to you without my pproval act No. 129 to "Repeal an set entitled 'an act to prevent the use of a free pals, express or telegraph frank on any railroad by any United States Senator ro member of congress fromt his State, or by any member of the general assembly of this State, or byany State or county official, or by any judge of a court of record in this State.' Approved December 22, A.). 1891."

This act was passed at your last ssion, but was not ratified and urned over to us until the last day of the session and, therefore, could eccive no consideration until after

our adjournment. The act which the one under consideration purports to repeal was passed in response to a popular de mand to remove the legislator and the official, as far as possible, from corporate power and influence. It was not entirely a factional measure, though enacted during the time when factional feeling ran high. It had the support of members of all factions at that time and was enacted for the public weal. I do not know of any demand or any good reason why it should be repealed, and have therefore withheld my approval from the act repealing it. The system of distributing tree passes by railroads among the members of the legislature and other officials before this act was pas-ed prohibiting it was pernicious, and while I would not for a moment be understood as saying or intimating that any legislator or other official, State or count;, could be unduly influenced by receiving a free pass, yet it should be remembered that we are The burglars escaped. all human and must feel kindly to that man or corporation, the recipient of whose favors we are. These corporations are already very powerful and wield great influence on legislation. Why should a frank or a free

o'ficial or legislator when it would not a private citizen. Legislation is frequently had affecting these corporations and laws already made affecting them have to be executed It is best for the public service that the official and the legislator be entirely free to act with entire impartiality in making and executing the laws. He should be able at all times to hold the scales of justice with an even hand, remembering always the rights of the corporations as well as the rights of the people. Believing this can be better done by not accepting favors from the corporations, and therefore not being under obligations to them, however small the obligapealing act without my approval and

signature. Respectfully, M. B. McSweeney,

Governor.

The motion of Mr. Spears of Darington to pass the act over the veto was voted upon by the house at once. It required 83 votes to do this. When the vote was counted it was found that the friends of the measure had lost, getting the required figures, but not in the proper order-38. The vote on the motion was as follows:

Ayes-38; Nays-64. The Newperry delegation voted as follows: Ayes-Dominick; Nays-Banks and Kibler.

The following special message was also sent to the house on the other "held up" act. There were 102 votes against passing the act over the veto and none for it:

January 11, 1902. To the Speaker and Members of the

House of Representatives: I beg to return without my signature act No. 103, passed by you at the last session, and which originated in the house of representatives. "To provide for the establi-hment of a new school district in the county of Anderson." Believing that it was in violation of the constitution of the State, I submitted it to the attorney militates against uniformity must general's office and requested an necessarily be declared unconstitue opinion on that point. The reply of the attorney general's office is as follows and clearly states why it the Governor.

February 21, 1901.

His excellency, M. B. McSweeney; Dear Sir: You submit for the consideration of this office, net No. 103 passed by the recent general assembly purporting "To provide for the establishment of a new school district in the county of Anderson," and request to be advised as to the constitution ality of such an act.

From an inspection of the body of the act it is obvious that the above title correctly sets forth the purpose of the act. That the act is repugnant to the spirit of the constitution and in direct contravention of the letter of that instrument there can be no question. The strongest evidence is to quote article 3, section 34, of the constitution of 1895: "The general assembly of this State shall not enact local or special laws concerning any of the following subjects or for any of the following purposes to wit:

V. To incorporate school districts.*

While there can be no mistake as o the meaning of the above phraseology, we have cumulative evidence as to the correctness of this conclu sion in article 11, section 5, of the constitution which provides for a division of counties into suitable districts and the manner of forming them. Legislative action for the formation of a particular school district is not only not contemplated by this section, but positively repugnant thereto.

Very respectfully,

U. X. Gunter, Jr.,

Assistant Attorney General. I trust it will not be improper gain to call your attention to the mportance of being guarded and eareful about placing upon the statute books acts which are directly in the face of the constitution. The constitution forbids the passage of laws of local or special nature and the supreme court has frequently held them unconstitutional.

Respectfully,

M. B. McSweeney, Governor.

The Bank of Butler, Ga., was robbed a few nights ago of \$2,000.

A few days ago a valuable neck lace was stolen from the Woman's building, Charleston Exposition. The thief has been arrested in New York and the necklace recovered.



Wood's Seeds BEST FOR THE SOUTH.

Every Gardener, Farmer and Trucker should have Wood's 1902 Descriptive Catalogue. It not only gives reliable, practical, up-to-date information about all Seeds, but also the best crops to grow, most successful ways of growing different crops, and much other information of special interest to every one who plants seeds. It tells all about Vegetable and Flower Seeds,

Grass and Clover Seeds, Seed Potatoes, Seed Oats, Tobacco, Seed Corn. Cow Peas, Soja, Velvet and Navy Beans, Sorghums, Broom Corn, Kaffir Corn, Peanuts,

Catalogue mailed free on request. T.W. Wood & Sons, Seedsmen. RICHMOND, - VIRGINIA.

Millet Seed, Rape, etc.

For 20 days I will sell FANCY LAMPS, CHINA, GOOD CROCKERY

AND COOK STOVES AT COST.

mean business. Come and see. Wishing one and all a Happy New Year.

FOR HARNESS and Saddle Sores Mexican Mustang Liniations, and you will be astonished to see how quickly it heals sores,



It's this way:

You can burn yourself with Fire, with Powder, etc., or you can scald yourself with Steam or Hot Water, but there is only one proper way to cure a burn or scald and that is by using

Mexican Mustang Liniment.

It gives immediate relief. Get a piece of soft old linen cloth, saturate it with this liniment and bind loosely upon the wound. You can have no adequate idea what an excellent remedy this is for a burn until you have tried it.

A FOWL TIP. If you have a bird afflicted with Roup or any other poultry disease use Mexican Mustang Liniment. It is called a STANDARD remedy by poultry breeders.

harleston Exposition Rates via Southern On account of the South Carolina

nter-Sta e and West Indian Exposition to be held in Charleston, S. C., beginning December 1st, 1901, the Southern Railway will sell excursion tickets to harleston and return at the following attractive rates: FROM NEWBERRY, S. C., FOR

\$7.75 Tickets on sale daily, limited to return June 3, 1901. \$5.70 Tickets on sale daily, limited to return ten days. \$3.90 Tickets on sale Tuesdays and Thursdays, limited to return seven days. Correspondingly reduced rates from

other points. The Southern Rallway operates double daily trains on convenient schedules with Pullman Sleepers to and from Charleston, S. C. For further information apply to:

W. E. McGee, T. P. A., Augusta, Ga. W. H. Tayloe, A. G. P. A., Atlanta, Ga. R. W. Hunt, D. P. A., Charleston, S. C. J. A. Burton, Ag't., Newberry, S. C.

Interest paid on deposits in the Savings Department at the rate of 4 per cent. per annum from date of deposit at

CAPITAL - - - \$50,000 00 We transact a general Banking busi-ness and solicit the accounts of indi-

viduals, firms and corporations.

DIRECTORS GEO. W. SUMMER. L. W. FLOYD. P. C. SMITH. W. H. HUNT. GEO. S. MOWER. F. Z. WILSON. JNO. M, KINARD, President. B. MAYER, Z. F. WRIGHT, O. B. MAYER, Vice-President

COMPLETE Power Plant For Factories and Mills.

ENGINES; Corliss, Automatic, Plain Side

BOILERS; Heaters, and Pumps. SAW MILLS;

From small plantation mill, to the beaviest mills in the market. All kinds of wood working machinery Flour and corn milling machinery. Complete ginning systems, Lummus Van Winkle and Thomas. Engines, Boilers, Saws, Gins in stock for quick

V. C. Badham, 1326 Main St., Columbia, S. C.

-THE-National Bank of Newberry (ESTABLISHED IN 1871.)

Capital - - - - \$150,000.00 Ar Glenn Springs 45 pr General banking business transacted with promptness. Special attention to collections. Correspondence solicited.

Savings Department. Deposits allowed interest at the rate of 4 per cent per annum from date of deposit. Interest payable January 1st and July 1st of each year. M. A. CARLISLE, Prest. T. S. DUNCAN, Cashler. J. W. M. SIMMONS, Asst. C'r.

IMPROVED THROUGH SERVICE TO AND VIA Richmond, Va. COUTHERN RAILWAY

Complete Dining Car Service.

For details see Agent Southern Rail-

SOUTHERN RAILWAY.

Candensed Schedule in Effect June 50th, 1901.

STATIONS. 11 00 p m 12 00 a b 2 00 a m 2 45 a m 4 05 a m Charleston ... Summerville. Branchville. Orangoburg . Kingvillo 6 W a m 11 90 7 14 a m 12 20 7 90 a m 12 35 8 80 a m 1 90 8 50 a m 2 06 9 15 a m 2 25 Ly. Qolumbia. Prosperity Newberry, Ninety-Six, Greenwood, Hodges Ar. Hodges.... 8 35 a m 1 45 p 10 10 a m 8 20 p .v. Anderson Atlanta. (Con. Time) 8 55 p m 9 00 p n STATIONS.

Pledmont ... Ar. Anderson .

Lv. Belton
Ar. Donalds
Ar. Abbeville 11 15 a m 12 01 n'n Ar. Blackville.

Barnweil

Savannah. STATIONS. 11 00p 7 00 a Lv. Charleston. At 19 00 p 7 41 a "Summerville "
9 00 a 9 00 a "Branchville. "
3 46 a 9 23 a "Orangelurg "
4 05 a 10 24 a "Kingville " Summerville "Branchville, "Orangebu rg Kingville

10 30 a 8 10 p Ar Spartanburg Lv 10 35 a 8 40 p Lv Spartanburg Ar 10 25 a 2 50 p 7 16 p Ar ... Asheville ... Lv 7 05 a DOUBLE DALLY SERVICE BETWEEN CHARLESTON AND GREENVILLE. llman palace alceping cars on Trains 35 a and 38, on A. and O. division. Dining c of F and 28, on A and C division. Dining cars these trains serve all meals enroute.

Trains leave Spartanburg, A. & C. division, northbound, 6:35 a. m., 2:37 p. m., 6:12 p. m., (Vestboule Limited) and 6:35 p. m.; southbound 19:30 a. m., 8:16 p. m., 11:40 a. m., (Vostibule Limited), and 10:30 a. m.

Trains leave Greenville, A. and C. division, northbound 5:35 a. m., 2:34 p. m. and 5:18 p. m., 17 and 5:35 p. m.; southbound, 1:25 a. m., 2:34 p. m. and 5:18 p. m., 17 and 5:35 p. m.; southbound, 1:25 a. m., 4:30 p. m., 19:40 p. m. (Vestibule Limited), and 5:35 p. m.; southbound, 1:25 a. m., 4:30 p. m., 19:40 p. m. (Vestibule Limited), and 11:30 a. m.

Trains 15 and 16—Pullman Sleeping Cars between Charleston and Asheville.

Regant Palinan Drawing Room Sleeping Cars between Charlestan and Asheville and Choinnid.

Trains 15 and 14 Fallman Parlor Oars between Charlestan and Asheville. FRANK S. GA SNON, S. H. HARDWICH,
Third V.P. & Sta. Mgr., Gen. Pas. Agent,
Washington, D. O.
W. H. TAYL
Asst. Gen. Pa. Agt.
Atlants, (C. Charleston, S. O.

Springs Railroad. SCHEDULE IN EFFECT AFTER JUFE 2, 1901. Daily -- Except Sunday. Lv Glenn Spriags... Ar Spartanburg ...

BLUE RIDGE RAILROAD H. C. BEA'TIE, Receiver.

Effective 1897. netween Anderson and Walhalla BASTBOUND WESTBOUND Mined. Mixed No. 12. Ar 9 49 am Ar 9 25 am West Union Ly 5 II pn Ar 9 20 am Walhalla Ly 5 I7 pp A.M. Lv.

J. R. ANDERSON, Superintendent
Connections at Seneca with So. R R No 11
At Ancerson with So Railway Nos. 11 and 1

COCAIRE AND WHISKY
Habite Outed at my hanator,
of references. 25 years a specialty. Book on
flome Treatment sent Fifth. Address
B. M. WOOLLEY, M. D., Atlants, On.

A'R LINE RAILWAY.

VISTIBULED WESKSAL)KOM IMITED

DOUBLE DAILY SERVICE "Capital City Route." Shortest line between all principal cities North, East, South and West.

Schedule in effect Dec. 1, 1901, Central Time. Daily. Daily. 86 8411 30 pm 1 55 pm 1 09 am 3 40 pm 1 10 am 4 27 pm Eastern Time.

Plan outh-Norfk 525 pm 715 am ... 7 11 am 11 06 pm ... 8 34 am 12 53 an

Central Time. Eastern Ti 10.

W. P. Scruggs, T. P. A., Savannah, Ga.

J. M. Barr, Ist. V. P. & G. M.
R. E. L. Bunch, G. P. A. Portsmouth, Va.

Columbia, Newberry & Laurens RR Co In Effect Sunday, October 6, 1931.

(Eastern Standard Time. Northbound, Northbound STATIONS.

10 00a Lv Gienn Springs Ar 11 46a Sparianburg 12 01p Greenville (Harra Springs) 13 62p Waterloo ar Laurens(Din'r) Lv 1 38

2.02 v Laurens Ar 147 2.18" Parks Ar 140 2.2: Clinton... 125 Goldville
.Kinard..
.Gary...
.Jalapa..
Newberry
Prosperity
.Slighs...
.t. Mountain

ib LyColun bla (A.C L.)Ar II (0 5 25 Sumter 8 30 Ar Charleston Lv 7 00 For Rates, Time Tables, or further informs tion call on any Agent, or write to W. G. CHILDS, T. M. EMERSON,

Columbia, S. C. ATLANTIC COAST LINE! FAST LINE

Between Charleston and Columbia, Upper South Carolina and North Carolina. PASSENGER DEPARTMENT, WILMINGTON, N. C., NOV. 24th, 1961. CONDENSED SCHEDULE.

.....Greenville.....Spartanburg.... 7 13 pm Ar Winnsboro..... 9 20 pm Ar....Charlotte, N C... 6 II pm Ar. Hendersonville, N. C.Lv 86 7 15 pm Ar......Asheville.......Lv 8 00 *Daily. Nos. 52 and 53 Solid trains between Charle

on and Greenville, S. C. H. M. EMERS J. C. J. R. KENLY, Gent. Manage Charleston and Western Carolina Rwy C) Augusta and Asheville Short Line Schedule in Effect Dec. 29, 1901.

eave Augusta..... rrive Greenwood... Anderson Laurens..... 9 30 am Leave; Asheville .. Spartanburg Glenn Springs. Greenville

Arrive Waterloo (H. S.)... Greenwood Leave Anderson 5 40 p m Augusta. Augusta.... Allendale.. Fairfax..... .U 15 AM Port Royal

Port Royal. rrive Augusta

Close connection at Greenwood for sil-points on S. A. L. and C. and G. Rallway, and it Spartanburg with Southern Rallway. For any information relative to tickets utes, schedules, address W. J. CRAIG, Gen. Pas. Agt., E. M. NORTH. Sol. Agt.

K. M. NORTH, Sol. Agt. T. M. EMERSON, Trame Manager.